



**State of New Hampshire  
DEPARTMENT OF ENVIRONMENTAL SERVICES**

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095

(603) 271-3503 FAX (603) 271-5171



Cameo Investment Corp.  
P.O. Box 5292  
Manchester, NH 03108

Re: Owl's Nest Water System  
Alton, NH  
EPA # 0068050

**ADMINISTRATIVE ORDER  
No. WD 01-24**

July 20, 2001

**A. INTRODUCTION**

This Administrative Order is issued by the Department of Environmental Services, Water Division, to Cameo Investment Corp. pursuant to RSA 485:4 and RSA 485:58. This Administrative Order is effective upon issuance.

**B. PARTIES**

1. The Department of Environmental Services, Water Division ("DES"), is a duly constituted administrative agency of the State of New Hampshire, having its principal office at 6 Hazen Drive, Concord, NH 03301.
2. Cameo Investment Corp. ("Cameo") is a New Hampshire corporation having a mailing address of P.O. Box 5292, Manchester, NH 03108. Arthur Bursey is the agent for service of process.

**C. STATEMENTS OF FACTS AND LAW**

1. RSA 485 authorizes DES to regulate public water supplies. RSA 485:3 authorizes DES to adopt drinking water rules which identify contaminants which may have an adverse effect on health, which establish maximum contaminant levels that are acceptable for human consumption, which establish criteria and procedures to assure compliance with such maximum contaminant levels, and which identify criteria and standards to ensure the proper operation and maintenance of water systems. Pursuant to this authority, DES has adopted NH Admin. Rules Env-Ws 300.
2. Cameo Investment Corp. is the owner of the Owl's Nest Store and Restaurant water system which serves 12 cottages and a store with a restaurant seating capacity of 42, located on State Route 11 in the community of Alton, NH ("Water System"). The Water System is a transient, non-community water system as defined in NH RSA 485:1-a, X and NH Admin. Rule Env-Ws 302.02 (bt).
3. NH Admin. Rule Env-Ws 315.01 requires all transient, non-community water systems to monitor for bacteria in accordance with a schedule based on the population served by the system

4. Former NH Admin. Rule Env-Ws 325.02, now codified as NH Admin. Rule Env-Ws 325.05, requires transient, non-community water systems serving fewer than 1,000 people to submit a minimum of one sample every six months to test for the presence of total coliform bacteria, and one sample quarterly following the presence of total coliform bacteria in the water sample.
5. NH Admin. Rule Env-Ws 351.01 requires the owner of a water system who fails to submit any of the routine samples required by Env-Ws 325 to notify persons served by the system within 21 days of the failure to sample. Within 30 days of the failure to sample, the system must provide proof of such public notice to DES.
6. Due to the presence of total coliform bacteria in the August 1996 water sample, the Water System is routinely required to collect one sample every quarter during the scheduled sampling months of April, June, August, and October.
7. The Water System failed to submit a routine total coliform sample for June 1999 and for October 1999.
8. On or about December 8, 1999, Letter of Deficiency No. 99-128 ("December 1999 LOD") was issued to the Water System. The December 1999 LOD addressed the major monitoring/reporting violations that occurred in June 1999 and October 1999 and requested the Water System representative to do the following:
  - a. Submit the appropriate number of water samples for bacterial analysis during the system's scheduled months of April, June, August and October.
9. The December 1999 LOD was sent to the Water System via certified mail return receipt requested but was returned to DES marked "unclaimed" on December 29, 1999.
10. On January 3, 2000, the December 1999 LOD was faxed to Arthur Bursey, the sampling agent for the Water System.
11. The Water System submitted the required total coliform samples for April 2000 and June 2000, but failed to submit the required total coliform samples for August 2000, October 2000, and April 2001.
12. The Water System failed to submit proof of public notice for the failure to submit total coliform samples in August 2000, October 2000, and April 2001.

#### **D. DETERMINATION OF VIOLATIONS**

1. The Water System has violated NH Admin. Rules Env-Ws 325.05 by failing to submit water samples for total coliform analysis in June 1999, October 1999, August 2000, October 2000, and April 2001.
2. The Water System has violated NH Admin. Rule Env-Ws 351.02 by failing to provide proof of public notice to DES within 30 days of the failure to sample for total coliform bacteria in August 2000, October, 2000, and April 2001.

3. As owner of the Water System, Cameo Investment Corp. is responsible for the violations noted herein.

#### **E. ORDER**

Based on the above findings, DES hereby orders Cameo Investment Corp. as follows:

1. Within 15 days of this Order, submit a total coliform sample to a laboratory certified to perform total coliform analysis. Within 10 days of completion, submit total coliform results to DES.
2. By August 15, 2001, submit a total coliform sample to a laboratory certified to perform total coliform analysis. Within 10 days of completion, submit total coliform results to DES.
3. Within 15 days of this Order, notify water consumers of the failure to sample for total coliform bacteria in August 2000, October 2000, and April 2001.
4. Within 20 days of this Order, submit proof of the public notice required above to DES along with a cover letter indicating how, when, where, and by whom the public notice was given.
5. By October 15, 2001, submit a total coliform sample to a laboratory certified to perform total coliform analysis. Within 10 days of completion, submit total coliform results to DES.

Send correspondence, data, reports, and other submissions made in connection with this Administrative Order, **other than appeals**, to DES as follows:

Linda Magoon, Program Specialist  
Department of Environmental Services  
6 Hazen Drive, PO Box 95  
Concord, NH 03302-0095  
Voice: (603) 271-0672  
Fax: (603) 271-3490

#### **F. APPEAL**


Any person aggrieved by this Order may appeal the Order to the Water Council by filing an appeal that meets the requirements specified in Env-WC 200 within 30 days of the date of this Order. Copies of the rule are available from the DES Public Information Center at (603) 271-2975 or at <http://www.des.state.nh.us/desadmin.htm>. Appealing the Order does not automatically relieve Cameo Investment Corp. of the obligation to comply with the Order.

#### **G. OTHER PROVISIONS**

Please note that RSA 485:58 provides for administrative fines, civil penalties, and criminal penalties for the violations noted in this Order, as well as for failing to comply with the Order itself. Cameo Investment Corp. remains obligated to comply with all applicable requirements, in

particular the need to (1) submit a total coliform sample to a laboratory certified to perform total coliform analysis in the scheduled sampling months of April, June, August, and October and (2) to comply with applicable drinking water statutes and rules.

This Order is being recorded in the Belknap County Registry of Deeds so as to run with the land.

  
**COPY**  
for Harry T. Stewart, P.E., Director  
Water Division

  
**COPY**  
Robert W. Varney, Commissioner

Certified Mail/RRR: 7099 3400 0002 9772 0100

cc: Gretchen Rule, DES Enforcement Coordinator  
Public Information Officer, DES PIP Office  
NH AGO  
Belknap County Registry of Deeds  
Brian Boyers, Town of Alton Health Officer  
US EPA, Region 1